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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,984

02/15/2007

Johan Eker

P18656-US2

1283

27045

7590

04/02/2008

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EXAMINER

WITZENBURG, BRUCE A

ART UNIT

PAPER NUMBER

2166

MAIL DATE

DELIVERY MODE

04/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,984	<b>Applicant(s)</b> EKER ET AL.	
	<b>Examiner</b> BRUCE A. WITZENBURG	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/23/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 22-41 are pending in this application.

### ***Drawings***

2. The drawings filed on 05/23/2006 are acceptable for examination purposes.

### ***Claim Objections***

3. The following are objected to for lack of antecedent basis
  - a. "the received information" (Claim 38, line 12)

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 39 is directed towards descriptive material per-se and therefore do not constitute patentable subject matter. A program realizes its functionality when taking part in a computer readable medium. Because the claimed invention consists of a program per-se the claimed invention is not able to realize its functionality and is rejected under 35 U.S.C. 101. (See MPEP 2106.01 [R-6] paragraphs 1&2)
5. Regarding claim 40, claim 40 is rejected for substantially the same reason as claim 39 above.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 22-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferrat et al. (US 2005/0055382) hereafter Ferrat.

Regarding claim 22, Ferrat discloses A method of differentially updating stored data in a mobile terminal from a first data version to an updated data version, the method comprising the steps of:

loading differential update instructions into the mobile terminal; (Abs; ¶0007)

generating the updated data version by the mobile terminal from the stored data and the loaded differential update instructions; (¶0013; ¶0027; ¶0032)

and detecting whether the stored data in the mobile terminal includes one or more corrupted memory blocks having stored therein data that is inconsistent with the first data version; (¶0024 while Ferrat does not disclose a “corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an

Art Unit: 2166

"error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic" as disclosed by Ferrat)

and repairing, when generating the updated data version, any such detected corrupted memory block. (¶0024 while Ferrat does not disclose a "corrupted memory block" it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic" as disclosed by Ferrat)

Regarding claim 23 Ferrat discloses generating the differential update instructions based on information about detected corrupted memory blocks, if any. (¶0024 while Ferrat does not disclose a "corrupted memory block" it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic" as disclosed by Ferrat)

Regarding claim 24, claim 24 is rejected for substantially the same reason as claim 23 above.

Regarding claim 25, claim 25 is rejected for substantially the same reason as claim 24 above.

Regarding claim 26, claim 26 is rejected for substantially the same reason as claim 23 above. Note that Ferrat discloses “provid[ing] the necessary interface for resolving errors and conflicts between synchronized data. It is therefor apparent that selection of error correction is up to the user and therefore error correction is excludable.

Regarding claim 27, claim 27 is rejected for substantially the same reason as claim 22 above. Note that ¶0007 specifically discusses remote processing devices.

Regarding claim 30, claim 30 is rejected for substantially the same reason as claim 22 above. Note that Unisync detects and resolves errors and conflicts and is resident to both the central database and the remote terminals. Therefore conflict resolution is able to be processed at both the mobile terminal and the central database.

Regarding claim 31, claim 31 is rejected for substantially the same reason as claim 22 above.

Regarding claim 37, Ferrat discloses a mobile terminal comprising: a data memory for storing data; (Fig 6, 104; ¶0007)  
communications means adapted to receive from a data processing system differential update instructions for updating data stored in the data memory from a first data version to an updated data version; (Abs; ¶0027; ¶0120)  
processing means adapted to generate the updated data version from the stored data

and from the received differential update instructions, (Abs, ¶0027) wherein the processing means is further adapted to:

generate information from the stored data indicative of the presence or absence of one or more corrupted memory blocks having stored therein data that is inconsistent with the first data version; (¶0024)

and communicate the generated information via the communications means to the data processing system for generating the differential update instructions. (¶0024)

Regarding claim 38, Ferrat discloses a data processing system for facilitating differentially updating stored data in a mobile terminal from a first data version to an updated data version, (Abs, ¶0027) the data processing system comprising: means for loading differential update instructions into the mobile terminal, the differential update instructions causing the mobile terminal to generate the updated data version from the stored data and the loaded differential update instructions; (¶0013; ¶0027; ¶0032)

the data processing system further comprising:

means for receiving information from the mobile terminal indicative of the presence or absence of one or more corrupted memory blocks having stored wherein data that is inconsistent with the first data version; (¶0024 while Ferrat does not disclose a "corrupted memory block" it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and

thus would be detected and resolved with "some level of business logic" as disclosed by Ferrat)

and processing means adapted to generate the differential update instructions from the first and updated data versions and from the received information; (§0024 while Ferrat does not disclose a "corrupted memory block" it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic" as disclosed by Ferrat)

and include repair instructions into the differential update instructions, wherein the repair instructions are adapted to cause the mobile terminal to repair any such detected corrupted memory block. (§0024 while Ferrat does not disclose a "corrupted memory block" it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic" as disclosed by Ferrat)

Regarding claim 39 Ferrat discloses a computer program comprising program code means adapted to cause a mobile terminal to differentially update stored data in the mobile terminal from a first data version to an updated data version (Abs) by performing the following steps, when the program is executed on the mobile terminal:  
generating information from the stored data indicative of the presence or absence of one or more corrupted memory blocks having stored therein data that is inconsistent with a first data version; (§0024 while Ferrat does not disclose a "corrupted memory



block" it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic" as disclosed by Ferrat)

loading differential update instructions into the mobile terminal; ¶0024 while Ferrat does not disclose a "corrupted memory block" it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic" as disclosed by Ferrat)

and generating the updated data version by the mobile terminal from the stored data and the loaded differential update instructions, including repairing any such detected corrupted memory block. ¶0024 while Ferrat does not disclose a "corrupted memory block" it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic" as disclosed by Ferrat)

Regarding claim 40 Ferrat discloses a computer program comprising program code means adapted to cause a data processing system to facilitate differentially updating stored data in a mobile terminal from a first data version to an updated data version (Abs) by performing the following steps, when the program is executed on the data processing system:

generating differential update instructions from the first and updated data versions and from information received from the mobile terminal, wherein the received information is

indicative of the presence or absence of one or more corrupted memory blocks having stored therein data that is inconsistent with the first data version, wherein generating differential update instructions comprises including repair instructions into the differential update instructions, wherein the repair instructions are adapted to cause the mobile terminal to repair any such detected corrupted memory block; (¶0024 while Ferrat does not disclose a "corrupted memory block" it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic" as disclosed by Ferrat)

and loading the generated differential update instructions into the mobile terminal, the differential update instructions causing the mobile terminal to generate the updated data version from the stored data and the loaded differential update instructions. (¶0024 while Ferrat does not disclose a "corrupted memory block" it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic" as disclosed by Ferrat)

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 27 – 28 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrat.

Regarding claim 28, while Ferrat does not disclose a wireless communications link, Ferrat does disclose communication via an internet protocol (§0120) and because wireless routers using TCP/IP are very well known and common to those of ordinary skill in the art at the time of the invention it would have been obvious to one of ordinary skill in the art to connect over a wireless router.

Regarding claim 29, claim 29 is rejected for substantially the same reason as claim 28 above.

Regarding claim 41, claim 41 is rejected for substantially the same reason as claim 29 above.

10. Claims 32 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrat in further view of Kocher et al (US 6,289,455) hereafter Kocher.

Regarding claim 32, Ferrat does not necessarily disclose calculating and using checksums to verify memory integrity, however Kocher discloses using such checksums. (Col 27, line 57 – Col 28, line 4) Because checksums used to calculate

memory errors are well known to those of ordinary skill in the art at the time of the invention and Ferrat "provides the necessary interfaces for resolving errors and conflicts between synchronized data." It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ferrat with the teachings of Kocher in order to provide memory error checking through checksums.

Regarding claim 33, claim 33 is rejected for substantially the same reason as claim 32 above. Note that Kocher discloses "includ[ing checksums] in stored data" (Col 28, lines 2-4)

Regarding claim 34, Ferrat does not disclose using a message authentication code to check reference checksums. As demonstrated by Kocher (Col 5, lines 4-12) and as is well known in the art at the time of the invention, changes to data can be accompanied by a message authentication code in order to assure the software data was not tampered with and it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ferrat with the teachings of Kocher in order to include a message authentication code for the checksums to further assure that a data failure did not occur and that the information was not tampered with.

Regarding claim 35, claim 35 is rejected for substantially the same reason as claim 32 above. Note that comparing a transmitted data segment to a centralized data segment is the most common and easiest to implement form of write operation verification and

Art Unit: 2166

therefor is held to be either inherent or obvious to one of ordinary skill in the art at the time of the invention over Kocher (Col 27, line 57 – Col 28, line 4)

Regarding claim 36, Ferrat does not disclose using one-way hash functions on the memory block, However Kocher discloses using one-way hash operations for data protection and verification (Col 26, line 54 – Col 27, line 5) it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ferrat with the teachings of Kocher in order to provide further system security.

### ***Conclusion***

The prior art made of reference in this case is as follows:

- a. Ferrat et al. (US 2005/0055382)
- b. Kocher et al. (US 6,289,455)

The prior art made of record but not relied upon is considered pertinent to the applicant's disclosure is as follows:

- c. Marinelli et al. (US 2002/010910)
- d. Zondervan et al. (US 6,516,327)
- e. Multer et al. (US 6,757,696)
- f. Yamaguchi et al. (US 2002/0198899)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRUCE A. WITZENBURG whose telephone number is (571)270-1908. The examiner can normally be reached on M-F 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BW

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166